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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after , the date on which the response of the authorities of to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Poland (sixth monitoring cycle), published on 18 September 2023, ECRI recommended that the Polish authorities initiate legislative amendments to add sexual orientation, gender identity and sex characteristics as explicitly prohibited grounds to the relevant provisions of the Criminal Code.*

ECRI takes note that the Polish Government prepared amendments to Articles 53 § 2a(6), 119 § 1, 256 § 1 and 257 of the Criminal Code with a view to introducing sexual orientation (amongst other personal characteristics that do not fall within ECRI's mandate) as an explicit hate element into criminal law. The amendments proposed by the Government also aimed at extending the scope of hate crime provisions to cases where the hate element is based on perception (i.e. assumptions or association with protected characteristics).

The text, as approved by the Council of Ministers, was brought forward by the Government in Parliament (Sejm), which adopted the amending Act No. 876 on 6 March 2025¹. However, the President of the Republic did not sign the law and referred it instead to the Constitutional Tribunal on 17 April 2025, citing concerns about its impact on freedom of expression and arguing that the way in which new protected grounds were formulated was not sufficiently clear and could lead to arbitrary decisions by criminal justice actors.² On 30 September 2025, the Constitutional Tribunal found that these amendments were in contradiction with the Constitution.³

While regretting that the Criminal Code was eventually not amended as planned, ECRI notes that the Government did make efforts by preparing and presenting amendments to Parliament with the aim of introducing sexual orientation as an explicit hate element into criminal law. It also notes, however, that action was not taken in respect of two elements of its recommendation.

In the light of the above, ECRI concludes that its recommendation has only been partially implemented and takes note of the efforts made and the few steps taken.

2) *In its report on Poland (sixth monitoring cycle), published on 18 September 2023, ECRI recommended that the Polish authorities develop and adopt a national migration policy, which will not only be helpful in respect of integrating people who took refuge in Poland as a result of Russia's aggression against Ukraine, but also other migrants with various statuses and purposes of stay in the country. In developing such a national policy, the Polish authorities were invited to seek inspiration from the Council of Europe's Model Framework for an Intercultural Integration Strategy at the National Level. If necessary, Council of Europe support was to be sought.*

On 15 October 2024, the Council of Ministers adopted a policy document entitled "Regaining control. Ensuring security - a comprehensive and responsible Polish migration strategy for 2025–2030". According to the Polish authorities, this document addresses the issue of co-ordination of state services in relation to migration processes in a comprehensive and consistent manner.

ECRI considers that elements of this new policy are conducive to improve the integration and inclusion of Ukrainian displaced persons and other migrants in Poland. This includes support for Polish language lessons for foreigners and the integration and inclusion of refugee children into the national education system. However, ECRI regrets to note that, despite references to the integration of migrants as a two-way process, this policy document places primarily obligations for integration and inclusion on migrants.

ECRI notes with great interest that the policy document foresees the establishment of 49 Foreigners' Integration Centres across Poland, primarily aimed at supporting Ukrainian and Belarusian nationals residing in the country. However, in the context of the 2025 presidential election campaign, during which immigration and asylum issues were the subject of heated

¹ The adopted amendments are available [here](#) (in Polish only).

² [President's motion to the Constitutional Court](#) (in Polish only).

³ Judgment of 30 September 2025, [case no. Kp 3/25](#) (in Polish only).

debates, such centres were often portrayed negatively. Consequently, many regions, particularly in the eastern part of the country where support is most needed, have withdrawn from the initiative of establishing such centres.

As concerns Ukrainians in particular, the Polish authorities informed ECRI that due to the “dominant presence of Ukrainian citizens among foreigners living in Poland”, a specific integration programme will be developed. At the same time, the national migration policy document contains few entries about supporting Ukrainians in their integration into and inclusion in the Polish society. In this connection, ECRI notes that, in September 2025, the Parliament adopted legal amendments resulting in a reduction of the previously more generous social and healthcare benefits for Ukrainians, which, with some exceptions, made employment a prerequisite for adults for receiving them.

To sum up, ECRI notes that the Polish Government has developed and adopted a national migration policy that includes positive components. However, it considers that it leaves much to be desired when it comes to integration and inclusion of various categories of migrants, including Ukrainian nationals, and places disproportionate emphasis on immigration control and security. It therefore strongly encourages the authorities to develop specific integration and inclusion programmes to address the needs of different categories of foreign nationals seeking support and protection in Poland. In doing so, the authorities should draw inspiration from the Recommendation CM/Rec(2022)10 of the Committee of Ministers of the Council of Europe on multilevel policies and governance for intercultural integration.⁴

In the light of the above, ECRI concludes that its recommendation has only been partially implemented.

⁴ This Council of Europe [instrument](#) was adopted by the Committee of Ministers on 6 April 2022 at the 1431st meeting of the Ministers' Deputies.